

**United States District Court  
Southern District of New York**

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**Second Amended Complaint**

**Pro Se 16CV2362 (KNF) (RA)**

**Wilfredo Torres,**

**Pro Se Plaintiff**

**-against-**

**City of New York, et al.**

**NYC Police Department:**

**Colby Wright, individually and as Police Officer  
Nicholas Macchio, individually and as Police Officer  
Michael Traverso, individually and as Police Officer  
Krzysztof Fryc, individually and as Police Officer  
Kevin Wahlight, individually and as Police Officer**

**NYC Department of Buildings:**

**Dennis McGowan, individually and as Inspector General**

**NYC Civilian Complaint Review Board:**

**Nina Mickens, individually and as Director**

**NYC Fire Department:**

**Lieutenant "Scottish", individually and as fireman  
"John Doe" Fireman #1 individually and as fireman  
"John Doe" Fireman #2 individually and as fireman  
"John Doe" Fireman #3 individually and as fireman  
Edward Rivera, individually and as Paramedic  
Gianella Robalino, individually and as Paramedic**

**Health and Hospitals Corporation (Bellevue Hospital):**

**"John Doe #1" individually and as Security Guard  
"John Doe" #2 individually and as Security Guard  
"John Doe #3 individually and as Security Guard  
"John Doe #1" individually and as MD  
"Jane Doe #2" individually and as MD**

**Bellevue South Associates ("BSA"):**

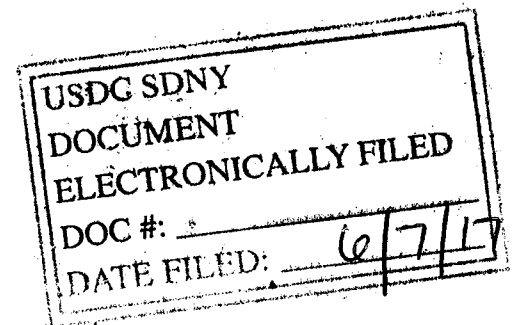
**Zijo Drogalic, individually and as employee of BSA  
Elijah Smalls, individually and as employee of BSA**

**Hospital for Joint Diseases:**

**Aaron J. Buckland, MD, individually and as employee**

**Defendants**

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**Facts:**

- 1- Since 1992 I live in a Section-8 apartment at Kips Bay Court, a Manhattan apartment-complex of 900 units; built with low-interest government loans 50 years ago by "non-profit" mega-landlord Bellevue South Associates AKA Phipps Houses ("BSA"); BSA left that program 20 years ago; and recently sold Kips Bay Court as luxury housing for \$700 million.**
- 2- Since 2003 I have complained to BSA, and to the NYC Department of Buildings ("DOB"), that a commercial coal oven and its chimney illegally constructed by BSA in a commercial space at 462 Second Avenue under my second-floor apartment represents a serious threat to my health.**
- 3-The chimney is located 20 feet from the ground; 50 feet from the windows of my apartment; and sends toxic fumes into my apartment and other building areas.**
- 4- Because of my complaints, on September 19, 2013, DOB issued a summons to BSA denouncing that it never obtained permission to construct the chimney.**
- 5- Due to my complaints, on August 10, 2015, DOB issued a revocation of the permit for the oven stating that it was for a gas oven, not a coal oven as BSA had illegally built.**
- 6-BSA flagrantly ignored these actions by DOB, and even filed a Certificate of Correction falsely swearing that it had eliminated these violations.**

**7- The law requires the chimney to end at the roof of our 20-story building, but BSA stated “we are not going to destroy the good looks of that building”.**

**8-DOB refused to take additional action against BSA, and up to this day allows BSA to lease the illegal coal oven and chimney to a restaurant at that location.**

**9- I also denounced that DOB allowed BSA to build an illegal awning at 444 Second Avenue taking 40% of the public sidewalk in the entire block worth millions of dollars.**

**10- On June 22, 2015, I appeared at the office of DOB's Inspector General, Dennis McGowan, and filed a complaint of corruption against the agency.**

**11- The Inspector General quickly dismissed my complaint, and weeks later, on 9-28-15, a group of New York City Police Officers (Nicholas Macchio, Michael Traverso, and Krzysztof Fryc) accompanied by BSA employee Zijo Drogalic raided my apartment at gun-point without a warrant after breaking its door; handcuffed, detained, and interrogated me; and continuously repeated “YOU HAVE BEEN CALLING THE DEPARTMENT OF BUILDINGS”.**

**12-Police Officer Fryc wrote on a piece of paper the name of the DOB Inspector General, Dennis McGowan, and stated: “THIS IS THE GUY THAT SENT US HERE”.**

**13- In those days BSA made public that it was selling Kips Bay Court for \$700 million, and this explains the timing of**

**the attack in using the NYPD to scare me to vacate my apartment of 24 years to avoid eliminating costly violations.**

**14- In March 17, 2016, I hired lawyer David Hershey Webb who sent a comprehensive letter to DOB, but it was ignored.**

**15- In April 28, 2016, while I was resting at home after undergoing spine surgery at the NYU Hospital for Joint Diseases, a group of New York City Fire Department employees (Lieutenant Scottish; firemen "John Doe 1", "John Doe 2", and "John Doe 3" ; paramedics Edward Rivera and Gianella Robalino); NYPD police officers Colby Wright and Kevin Wahligh; and BSA employee Elijah Smalls; raided my apartment after breaking its door; handcuffed, interrogated, threatened, and paraded me in handcuffs before my neighbors and the restaurant with the coal oven; transported me in an ambulance escorted by a police car with sirens blasting to Bellevue Hospital; dropped me there as a "John Doe" ; on three (3) occasions I was assaulted by Bellevue Hospital Security Guards ("John Doe 1", "John Doe 2", "John Doe 3"); Doctors "Jane Doe 1", and "Jane Doe 2" forcibly injected me with drugs that put me to sleep; caused me to develop very high fever; held me for 24 hours; and released me with a diagnosis of "delirium".**

**16- Bellevue Hospital erased from its records all references to my "John Doe" designation.**

**17- I complained to the Civilian Complaint Review Board (CCRB), but the agency exonerated the police officers; falsified records to exclude the NYPD Police Officer who wrote the incriminating note; and denied my FOIA request.**

**CONCLUSION:**


**The actions of the defendants violated my New York State and United States Constitutional rights, and caused me grave permanent physical and emotional damages.**

**DAMAGES:**

**Because of the acts by these defendants I today suffer from PTSD, insomnia, anxiety, tremors, pain, asthma, headaches, and damage to my spinal surgery making it necessary to undergo medical treatment, and possible additional surgery.**

**RELIEF SOUGHT:**

**Judgement in the amount of ten-million dollars (\$10,000,000.00) against the defendants.**

  
**Wilfredo Torres**  
**470 Second Avenue Apt. 2-A**  
**New York, N.Y. 10016**  
**Telephone: 212-447-1737**

**Dated: June 7, 2017**

**Cc:**

**City of New York**

**Bellevue South Associates**

**NYU Hospital for Joint Diseases**

**Health and Hospitals Corporations (Bellevue Hospital)**